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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,350	06/27/2003	Wesley G. Miller	MS#302669.01 (5070)	8746
321	7590	02/09/2006	EXAMINER	
SENNIGER POWERS ONE METROPOLITAN SQUARE 16TH FLOOR ST LOUIS, MO 63102			BAE, JI H	
			ART UNIT	PAPER NUMBER
			2115	

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/608,350

Applicant(s)

MILLER ET AL.

Examiner

Ji H. Bae

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-49 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6-27-03, 1-4-06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10, 12-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Settsu et al., U.S. Patent No. 6,374,353 B1, in view of Brundridge, U.S. Patent No. 6,279,109 B1.

Regarding claim 1, Settsu teaches a method with steps comprising:

identifying a boot environment in an image [boot block, mini OS module, Fig. 1];

loading the image as a file system;

booting from the identified boot environment via the file system [col. 1, lines 51-65].

Settsu does not teach that the image is compressed.

Brundridge teaches a compressed disk image that is used in the booting of an operating system [col. 13, lines 10-12].

It would have been obvious to one of ordinary skill in the art to combine the teachings of Settsu and Brundridge by compressing the image in a manner taught by Brundridge. Both Settsu and Brundridge teach methods of booting operating systems, and the teachings of Brundridge would improve the method of Settsu by enabling the image to take up less space on the computer-readable medium.

Regarding claim 2, the combination of Settsu and Brundridge teaches the method further comprises system preparation.

Regarding claim 3, the combination of Settsu and Brundridge teaches initializing the identified boot environment.

Regarding claim 4, the combination of Settsu and Brundridge teaches the step of seeking the compressed image on the computer-readable medium, and initializing the compressed image.

Regarding claim 5, the combination of Settsu and Brundridge teaches the step of executing the driver component in the context of a running operating system.

Regarding claim 6, the combination of Settsu and Brundridge teaches the step of searching for the compressed image and opening the compressed image.

Regarding claim 7, the combination of Settsu and Brundridge teaches that the driver component is embodied in firmware [f/w code module 6, ROM 1, Fig. 1].

Regarding claim 8, the combination of Settsu and Brundridge teaches that the compressed image includes a header, wherein identifying comprises searching the header for a boot specifier indicating the location of the boot environment on the computer-readable medium [Fig. 35].

Regarding claim 9, the combination of Settsu and Brundridge teaches that the software image comprises an operating system .

Regarding claim 10, the combination of Settsu and Brundridge teaches that the boot environment comprises a minimal operating system [mini OS module 7, Fig. 1].

Regarding claim 12, the combination of Settsu and Brundridge teaches a computer-readable medium.

Regarding claims 13 and 15, the combination of Settsu and Brundridge teaches the method of claim 1. Settsu also teaches descriptive data stored in the image comprised of a file location [col. 24, lines 11-32].

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Regarding claim 27-49, the combination of Settsu and Brundridge teaches the method of claims 1-10. The combination of Settsu and Brundridge also teaches a computer-readable medium with instructions to implement the steps of the claimed method, and also the system to implement the claimed method.

Allowable Subject Matter

Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Feigenbaum et al., U.S. Patent No. 5,307,497;

Jeon, U.S. Patent No. 6,122,734;

Esfahani et al., U.S. Patent No. 6,434,695 B1;

Abboud et al., U.S. Patent No. 6,636,958 B2;

Hsiao, U.S. Patent No. 6,718,548 B1;

Brown et al., U.S. Patent No. 6,976,058 B1;

Ice, Jr. et al., U.S. Patent No. 6,658,563 B1;

Rickey, U.S. Patent No. 6,304,965 B1.

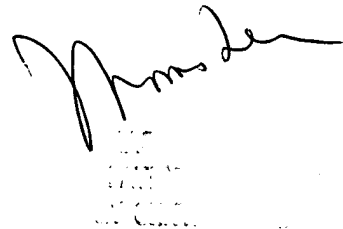
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ji H. Bae whose telephone number is 571-272-7181. The examiner can normally be reached on Monday-Friday, 10 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ji H. Bae
Patent Examiner
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571-272-7181

A handwritten signature in black ink, appearing to read "Ji H. Bae", is positioned above a faint, rectangular stamp. The stamp contains some illegible text, possibly a date or a reference number.